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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

Chapter 11

Jointly Administered under
 Case No. BK-S-06-10725-LBR

DECLARATION OF DEL BUNCH

Date of Hearing: OST Pending
 Time of Hearing: OST Pending
 Place: Courtroom No. 1, Third Floor
 Foley Federal Building
 300 Las Vegas Blvd., S.
 Las Vegas, NV 89101

Judge: Hon. Linda B. Riegler

I, Del Bunch, under oath and under penalty of perjury say:

1. I have personal knowledge of the facts recited herein, and I am competent to testify regarding them if called as a witness in this matter.

2. I am a creditor of USA Commercial Mortgage Company ("USACM" or "Debtor"), in the above-referenced bankruptcy case.

3. I am 79 years of age and homebound requiring an oxygen tank for health reasons. My wife, Ernestine, is 77 years of age.

1 4. I propounded, through my counsel, the first Request for Production and the
2 Second Request for Production (the "Discovery Requests") on Debtor on January 25, 2007.

3 5. Debtor has not responded to the Discovery Requests.

4 6. On Monday, February 26, 2007, I contacted Susan Smith, who is employed by
5 Mesirow Financial Consulting, and discussed, among other things, the status of the document
6 production in response to the Discovery Requests.

7 7. During our telephone conversation, Ms. Smith informed me that she forwarded
8 certain documents to counsel for the proposed liquidating trustee. Ms. Smith did not specify
9 which documents were sent to counsel, or to whom specifically she sent the documents.
10 According to Ms. Smith, it is her understanding that proposed trustee's counsel is currently in the
11 process of globally categorizing and indexing certain documents, that may or may not be
12 responsive to the Discovery Requests.

13 8. Ms. Smith did not state that the Debtor would timely respond to the Discovery
14 Request, nor did she indicate when a responsive production of documents would in fact be made
15 by Debtor.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct.

18 DATED this 28th day of February, 2007.

19
20 
21 Del Bunch

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